



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas *et al.*

Appl. No.: 10/670,454

Filed: September 26, 2003

For: **Gibberellin 2-Oxidase**

Confirmation No.: 5510

Art Unit: 1638

Examiner: *To be assigned*

Atty. Docket: 0623.0970001/LBB/SJE

**Request for Reconsideration of Compliance with Sequence Rules**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", mailed December 31, 2003, Applicants enclose herewith copies of :

1. Date-Stamped Postcards, filed on September 26, 2003;
2. The Request to Open New Disk File, filed on September 26, 2003; and
3. 8 pages of a paper copy of the Sequence Listing, filed on September 26, 2003.

Applicants respectfully contend that the Notice is in error.

Applicants have filed a paper copy of the sequence listing along with a request to open new disk file at the time the application was filed. The request to open new disk file states that the disk and paper copies are identical and include no new matter. Furthermore, the date-stamped postcards indicate that the Office has acknowledged receipt of these items.

Thomas *et al.*  
Appl. No. 10/670,454

Thus, Applicants have fully complied with the requirements of 37 C.F.R. §§ 1.821-824, and request that the Office withdraw the Notice to Comply and issue notification of compliance with the Sequence Rules.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



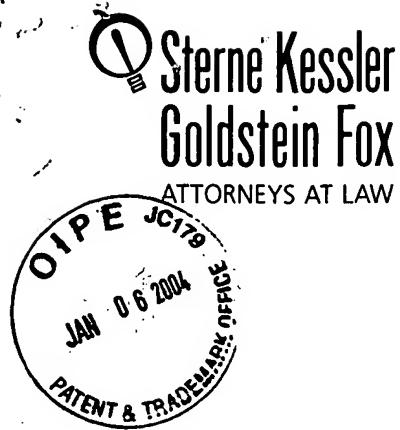
Lawrence B. Bugaisky  
Attorney for Applicant  
Registration No. 35,086

Date: January 6, 2004

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215743.1

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January 6, 2004

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Commissioner for Patents  
P.O. Box 1450  
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*Mail Stop Missing Parts*

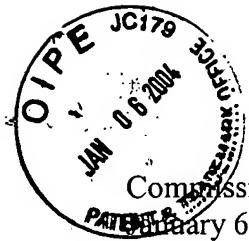
Re: U.S. Utility Patent Application  
Appl. No. 10/670,454; Filed: September 26, 2003  
For: **Gibberellin 2-Oxidase**  
Inventors: Thomas *et al.*  
Our Ref: 0623.0970001/LBB/SJE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Request for Reconsideration of Compliance with Sequence Rules;
3. A copy of the Date-Stamped Postcards, filed on September 26, 2003;
4. A copy of the Request to Open New Disk File, filed on September 26, 2003;
5. A copy of 8 pages of a paper copy of the Sequence Listing, filed on September 26, 2003; and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.



Commissioner for Patents

January 6, 2004

Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Lawrence B. Bugaisky  
Attorney for Applicants  
Registration No. 35,086

LBB/SJE/lam  
Enclosures

215832.1



Applicants: Thomas *et al.*

Application No.: *To be assigned* (Continuation of Appl. No. 09/719,108;  
§ 371 Date: May 25, 2001)

Filed: September 26, 2003

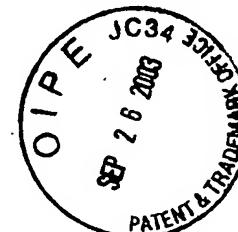
For: Gibberellin 2-Oxidase

Due Date: N/A  
Art Unit: *To be assigned*  
Examiner: *To be assigned*  
Docket: 0623.0970001

Atty: LBB/SJE

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. Form PTO-2038 Credit Card Payment Form for \$822.00 to cover: \$750.00 Filing fee for patent application; \$72.00 Fee for Excess Claims;
3. Fee Transmittal Form (PTO/SB/17);
4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
5. U.S. Utility Patent Application entitled: **Gibberellin 2-Oxidase**, and naming as inventors: Stephen Gregory THOMAS, Peter HEDDEN and Andrew Leonard PHILLIPS, the application consisting of: a. An Application Data Sheet (37 C.F.R. § 1.76); b. A copy of the Declaration executed by Stephen Gregory Thomas, as originally filed in U.S. Appl. No. 09/719,108; c. A copy of the Declaration executed by Peter Hedden, as originally filed in U.S. Appl. No. 09/719,108; d. A copy of the Declaration executed by Andrew Leonard Phillips, as originally filed in U.S. Appl. No. 09/719,108; e. A specification containing: i. 30 pages of description prior to the claims; ii. 3 pages of claims (21 claims); f. 7 sheets of drawings (Figures 1, 2-3b, 4, 5-6, 7-8, 9-10 and 11); g. 8 pages of a paper copy of a Sequence Listing;
6. Request to Open New Disk File;
7. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
8. A Preliminary Amendment Under 37 C.F.R. § 1.115;
9. An Information Disclosure Statement;
10. Form PTO-1449 (5 pages) citing 14 documents;
11. Copies of documents AL1, AT2, AR3, AR5 and AS5; and
12. Two (2) return postcards.



Mail Stop Patent Application

SKGF\_DCT:181210.1

Please Date Stamp And Return To Our Courier

Applicants: Thomas *et al.*

Application No.: *To be assigned* (Continuation of Appl. No. 09/719,108;  
§ 371 Date: May 25, 2001)

Filed: September 26, 2003

For: Gibberellin 2-Oxidase

Due Date: N/A  
Art Unit: *To be assigned*  
Examiner: *To be assigned*  
Docket: 0623.0970001

Atty: LBB/SJE

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3. Fee Transmittal Form (PTO/SB/17);
4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
5. U.S. Utility Patent Application entitled: **Gibberellin 2-Oxidase**, and naming as inventors: Stephen Gregory THOMAS, Peter HEDDEN and Andrew Leonard PHILLIPS, the application consisting of: a. An Application Data Sheet (37 C.F.R. § 1.76); b. A copy of the Declaration executed by Stephen Gregory Thomas, as originally filed in U.S. Appl. No. 09/719,108; c. A copy of the Declaration executed by Peter Hedden, as originally filed in U.S. Appl. No. 09/719,108; d. A copy of the Declaration executed by Andrew Leonard Phillips, as originally filed in U.S. Appl. No. 09/719,108; e. A specification containing: i. 30 pages of description prior to the claims; ii. 3 pages of claims (21 claims); f. 7 sheets of drawings (Figures 1, 2-3b, 4, 5-6, 7-8, 9-10 and 11); g. 8 pages of a paper copy of a Sequence Listing;
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10. Form PTO-1449 (5 pages) citing 14 documents;
11. Copies of documents AL1, AT2, AR3, AR5 and AS5; and
12. Two (2) return postcards.

22141 U.S. PTO  
10/670454  
09/26/03

SKGF\_DCT:181210.1

For Advance Notification of Application Number

Mail Stop Patent Application



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/670,454	09/26/2003	Stephen Gregory Thomas	0623.0970001/LBB/SJE

26111  
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 WASHINGTON, DC 20005

CONFIRMATION NO. 5510  
 FORMALITIES LETTER



\*OC000000011594798\*

Date Mailed: 12/31/2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
 DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents

P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Y.G.*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE